IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

AS.No. 505 of 1999()

OS.156/1994 OF SUB COURT, THALASSERY

APPELLANT: 18TH DEFENDANT:

T.T.P.ABDUL NAZAR, P.B.NO.282,
MUSCAT PESTAL CODE 113, SULTANATE OF OMAN.

BY ADVS. M/S.M.A.MANHU AND M.A.FAYAZ

RESPONDENTS: PLAINTIFFS, DEFENDANTS 1 TO 5, 7 TO 17
AND CHILDREN OF DECEASED 6TH DEFENDANT:

1. MATHRAKKAL KOYILOTHARA UMMACHU UMMA,
MATHRAKKAL HOUSE, CHAVASSERI AMSOM,
P.O.ULIYIL, THALASSERY TALUK.

2. M.K.ABDUL RAHIMAN, MATHRAKKAL HOUSE,
CHAVASSERI AMSOM, P.O.ULIYIL, THALASSERY TALUK.

3. T.T.P.KUNHAMOO, UDUMBUNGHALA,
GOODS SHED READ, THALASSERY.

4. V.P.P.ABDULLA, `THEJAS', NEAR OFFICERS CLUB,
AZHIYAKODI TEMPLE, KOZHIKODE.

5. T.T.P.ABOO, RIVER VIEW NEAR OLAVARA BRIDGE,
P.O.PAYYANNUR.(DECEASED – LRS. IMPLEADED)

6. T.T.P.NOIDU, `KEYIS', THALAPP,KANNUR.

7. T.T.P.BEEFATHUMMA, UDUMBUNGHALA HOUSE,
TOWN HALL ROAD, THALASSERY 670 104.

8. T.T.P.KUNHAYISHA, `HAISH', KOTTULI, KOZHIKODE.

9. T.T.P.SAINABA, CHALIYAM HOUSE, CHALIYAM, FEROKE.

10. T.T.P.ASMABI, UDUMBUNTHALA HOUSE, TOWN HALL ROAD, THALASSERY – 670 104.

11. VAYAL PARAMBATH AYISHA, W/O.T.T.P.KUTTIALI, UDUMBUNTHALA, M.T.315-1,MUZHATHADAM P.O., KANNUR – 670 002.

12. V.V.MOHAMMAD, -DO- -DO-

13. SISTER V.N.SAJIDAH, -DO- -DO-

14. BROTHER V.N.SHARSHAD BABU, -DO- -DO-

15. SISTER V.N.AMINA, -DO- -DO-

16. SISTER V.N.SHAHINA, -DO- -DO-

17. T.T.P.KHALEEL MOHAMMAD, S/O.BEEFATHUMMA, UDUMBUNTHALA HOUSE, TOWN HALL ROAD, THALASSERY P.O., PIN 670 104.

18. T.T.P.AJMAL RAHIM, S/O.NAFEESUMMA, `ANAZ', GOODS SHED ROAD, THALASSERY.

19. T.T.P.ASHRAFF, S/O.NAFEESUMMA, `ANAZ', GOODS SHED ROAD, THALASSERY.

20. T.T.P.AMINA, S/O.NAFEESUMMA, UDUMBUNTHALA, GOODS SHED ROAD, THALASSERY.

21. T.T.P.AZEEM, S/O.NAFEESUMMA, `ANAZ', -DO- -DO-

22. T.T.P.SUMAIRA, D/O.NAFEESUMMA, -DO- -DO-

ADDL.23 K.V.P.KUNHAMINA, W/O.T.T.P.ABOO, RIVER VIEW, NEAR ULAMARA BRIDGE, UDUMBUNTHALA P.O., PAYYANNUR.

" 24. K.V.P.BEEVI, D/O.T.T.P.ABOO, -DO- -DO-

" 25. K.V.P.BASHEER, S/O.T.T.P.ABOO, -DO- -DO-

" 26. K.V.P.SALEENA, D/O.T.T.P.ABOO, -DO- -DO-

ADDL.R23 TO 26 IMPLEADED AS THE LEGAL REPRESENTATIVES OF THE DECEASED 5TH RESPONDENT AS PER ORDER IN I.A.NO.1234 OF 2003 DATED 21.10.2003.

R4 & R8 BY ADV. SRI.V.RAJAGOPAL
R18 TO R22 BY ADV. SRI.GRASHIOUS KURIAKOSE
R11 TO R16 BY ADV.SRI.A.MOHAMED MUSTAQUE
R5 BY ADV. SRI.T.A.RAMADASAN
R7 AND R10 BY ADV.SRI.C.S.UMAR FAROOK

THIS APPEAL SUITS HAVING COME UP FOR HEARING ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.M.P.NO.4361/1999 IN A.S.NO.505/1999

DISMISSED

SD/- KURIAN JOSEPH, JUDGE

2/3/2007 SD/- K.T.SANKARAN, JUDGE

//TRUE COPY//

ahz/

KURIAN JOSEPH & K.T. SANKARAN, JJ.

A.S. NO. 505 OF 1999 F

Dated this the 2nd day of March, 2007

JUDGMENT

Kurian Joseph, J.

Learned counsel for the appellant, on instruction dated 3.2.2007 from the appellant, seeks permission to withdraw the appeal inorder to explore the possibility of settlement, since it is submitted that only after withdrawal of the appeal the settlement could be finalised. Therefore, the appeal is dismissed as withdrawn.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/

KURIAN JOSEPH&
K.T.SANKARAN, JJ.

A.S.NO. 505 OF 1999 F

JUDGMENT

2nd March, 2007